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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of

NICHOLAS R. OSTELLA, D.M.D.

Licensed to Practice Dentistry
in the State of New Jersey

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) Administrative Action
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CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of an Investigative Report which disclosed that respondent entered a plea of guilty to one count of endangering the welfare of a child and a Judgment of Conviction was entered by the New Jersey Superior Court, Essex County, on or about April 3, 1992. The Report further disclosed that respondent had prescribed medications for G.R. for reasons unrelated to the scope of dentistry.

Respondent hereby agrees and stipulates to the truth and accuracy of the following factual statements, and further, agrees to the entry of same into the record of the formal

hearing in the above captioned matter proceeding on October 6, 1993, at 9:00 a.m. before the New Jersey State Board of Dentistry, at 124 Halsey Street, Sixth Floor, Newark, New Jersey.

1. On April 3, 1992, a Judgment of Conviction was entered in the New Jersey Superior Court, Essex County, against respondent on one count of endangering the welfare of a child in violation of N.J.S.A. 2C:24-4, amended from third to fourth degree. (A copy of the Judgment of Conviction is attached hereto and incorporated in the within Order in its entirety by reference.)

2. The respondent was sentenced by the Honorable Betty J. Lester to three (3) years of probation with conditions of probation including participation in 300 hours of community service and no contact with the victims.

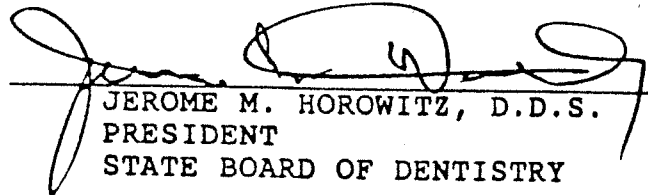
3. During the course of the investigation of the above-mentioned matter it was further disclosed to the Board that the respondent prescribed certain prescription legend drugs as well as Valium, a Schedule IV Controlled Dangerous Substance, for a patient G.R. with whom he developed an intimate relationship during a period from January 1988 through May 1989 and that the majority of such prescriptions were written for purposes unrelated to the practice of dentistry. (A copy of the Statement in Writing Under Oath of Nicholas R. Ostella, D.M.D. is attached hereto and incorporated in the within Order in its entirety by reference.)

4. Respondent acknowledges that the aforementioned conviction constitutes grounds for revocation or suspension of respondent's license to practice dentistry in the State of New Jersey or alternative penalties in that he has been convicted of a crime involving moral turpitude and/or a crime relating adversely to the dental profession in violation of N.J.S.A. 45:1-21(f).

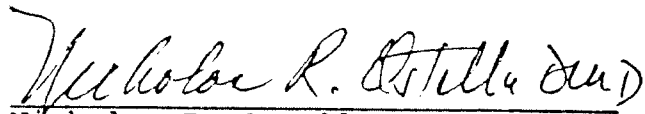
5. Respondent further acknowledges that the above-mentioned prescribing conduct constitutes grounds for the revocation or suspension of respondent's license to practice dentistry in the State of New Jersey in that he has engaged in professional misconduct as determined by the Board, and/or a failure to comply with the provisions of the Dental Practice Act in violation of N.J.S.A. 45:1-21(e) and/or (h) respectively.

6. Respondent shall have the opportunity to personally appear before the Board with counsel on October 6, 1993 at 9:00 a.m. for the sole purpose of addressing the Board in mitigation of penalty. Subsequent to the mitigation hearing the Board shall render a final decision and a determination concerning the imposition of any penalty. Nothing herein contained nor any prior settlement offer advanced in resolution of this matter shall limit in any way the Board's authority to impose

disciplinary sanctions following said hearing.


JEROME M. HOROWITZ, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY

I have read and understand the
within Order and agree to be
bound by its terms. Consent
is hereby given to the Board
to enter this Order.


Nicholas R. Ostella, D.M.D.